

ASSEMBLY BILL

No. 1417

**Introduced by Committee on Elections and Redistricting (Fong
(Chair), Bocanegra, Bonta, Hall, Logue, and Perea)**

March 20, 2013

An act to amend Sections 303.3, 3004, 3114, 10735, 13306, 13309, and 19206 of, to add Section 8147.5 to, and to repeal Section 13301 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1417, as introduced, Committee on Elections and Redistricting. Elections.

(1) Existing law defines a “ballot marking system” as any mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a special absentee voter, as specified. Existing law requires a county elections official to place a notice in any office within the county, as specified, to inform potential special absentee voters of their right to a vote by mail voter’s ballot and where registration materials and application forms can be obtained.

This bill would revise those provisions by replacing the references to a special absentee voter with a military or overseas voter.

(2) Existing law regulates the voting procedures for military or overseas voters and provides that a military or overseas voter has the right to register for, and to vote by a vote by mail ballot in, any election within the state. Existing law requires an elections official, not sooner than 60 days but not later than 45 days before an election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, to transmit a ballot and balloting

materials to each military or overseas voter who by that date submits a valid ballot application.

This bill would eliminate the requirement that, if the 45th day before the election is a weekend or holiday, the elections official transmit a ballot and balloting materials to the military or overseas voter not later than the business day preceding the 45th day.

(3) Existing law requires the Secretary of State, at least 5 days prior to sending county elections officials a certified list of candidates for each partisan office or voter-nominated office at a primary election, to notify each candidate for those offices of the names, addresses, offices, occupations, and party preferences of all other persons who have filed for the same office. Existing law authorizes a candidate to change his or her ballot designation at least 98 days prior to the general election, as specified.

This bill would require the Secretary of State, not less than 73 days, and not more than 98 days, before a general election, to notify each candidate for a partisan office or voter-nominated office of the names, addresses, offices, ballot designation, and party preferences of all other persons whose names are to appear on the ballot for the same office at the general election.

(4) Existing law establishes the procedures for nomination and election of candidates at a special election to fill vacancies in the House of Representatives caused by a catastrophe. Existing law requires a county elections official, under specified circumstances, to deliver vote by mail ballots requested pursuant to existing statutory provisions pertaining to military or overseas voters within 15 days, as specified. Existing law requires a vote by mail ballot cast pursuant to the provisions pertaining to military or overseas voters to be received by the elections official not later than 45 days after the date on which the ballot was transmitted to the voter. Existing law permits the Secretary of State to extend specified election deadlines for a reasonable period of time to facilitate the tabulating and processing of vote by mail ballots cast by military or overseas voters.

This bill would correct erroneous statutory cross-references pertaining to vote by mail ballots cast by military or overseas voters.

(5) Existing law requires the county elections official to prepare a list of candidates for presidential delegates for each political party, submit a copy of the list to the chairperson of the county central committee of the political party, and post a copy of the list in the elections official's office.

This bill would repeal these requirements.

(6) Existing law requires an elections official to send to each voter, together with a sample ballot, a voter's pamphlet that contains the written statements of candidates for nonpartisan elective office in a local agency. Existing law authorizes local agencies to charge to the candidate in advance a fee to cover the costs of printing, handling, translating, and mailing the candidate statement. Existing law exempts indigent candidates from paying the fee in advance, but specifically provides that nothing prohibits an elections official from billing the candidate after the election.

This bill would provide instead that nothing prohibits the local agency from billing the candidate after the election.

(7) Existing law requires the Secretary of State to approve voting systems as meeting specified criteria. Existing law prohibits a jurisdiction purchasing or using a voting system that has not been approved by the secretary. Existing law authorizes the secretary to employ not more than 3 expert technicians to assist the secretary in examining voting systems that seek approval for use.

This bill would remove the limitation on the number of technicians that the secretary may employ for these purposes. The bill would also authorize the secretary to employ technician firms to assist the secretary in examining voting systems.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 303.3 of the Elections Code is amended
2 to read:
3 303.3. "Ballot marking system" means~~any~~ a mechanical,
4 electromechanical, or electronic system and its software that is
5 used for the sole purpose of marking a ballot for a~~special absentee~~
6 ~~military or overseas~~ voter and is not connected to a voting system
7 at any time.
8 SEC. 2. Section 3004 of the Elections Code is amended to read:
9 3004. ~~The~~A county elections official shall place a notice in
10 ~~any~~ an office within the county where applications are taken for
11 federal passports or where military enlistments are received to
12 inform potential~~special absentee military or overseas~~ voters of

1 their right to a vote by mail voter's ballot and where *to obtain*
2 registration materials and application forms ~~can be obtained~~.

3 SEC. 3. Section 3114 of the Elections Code is amended to read:

4 3114. (a) For an election for which this state has not received
5 a waiver pursuant to the Military and Overseas Voter
6 Empowerment Act (42 U.S.C. Sec. 1973ff et seq.), not sooner than
7 60 days but not later than 45 days before the election ~~or, if the 45th~~
8 ~~day before the election is a weekend or holiday, not later than the~~
9 ~~business day preceding the 45th day~~, the elections official shall
10 transmit a ballot and balloting materials to each military or overseas
11 voter who by that date submits a valid *ballot* application pursuant
12 to Section 3102.

13 (b) If a *valid* ballot application from a military or overseas voter
14 arrives after the 45th day before the election, the elections official
15 charged with distributing a ballot and balloting materials to that
16 voter shall transmit them to the voter as soon as practicable after
17 the application arrives.

18 SEC. 4. Section 8147.5 is added to the Elections Code, to read:

19 8147.5. Not less than 73 days, and not more than 90 days,
20 before the general election, the Secretary of State shall notify each
21 candidate for partisan office and voter-nominated office of the
22 names, addresses, offices, ballot designations, and party preferences
23 of all other persons whose names are to appear on the ballot for
24 the same office at the general election.

25 SEC. 5. Section 10735 of the Elections Code is amended to
26 read:

27 10735. (a) (1) In the case of a special election due to a
28 catastrophe that causes a vacancy in at least 101 offices of the
29 United States House of Representatives, the county elections
30 official shall, to the greatest extent practicable, deliver vote by
31 mail ballots requested pursuant to Chapter 4 2 (commencing with
32 Section ~~3300~~ 3101) of Division 3 not later than 15 days after the
33 date on which the Speaker of the United States House of
34 Representatives announces the vacancy.

35 (2) In the case of a special election due to a catastrophe that
36 causes a vacancy in at least one-fourth of the total offices of the
37 United States House of Representatives representing California
38 but not a vacancy in at least 101 of the offices of the United States
39 House of Representatives, the county elections official shall, to
40 the greatest extent practicable, deliver vote by mail ballots

requested pursuant to Chapter 4 2 (commencing with Section 3300) 3101) of Division 3 not later than 15 days after the date on which the Governor issues the proclamation calling the election to fill the vacancy.

(b) A vote by mail ballot cast pursuant to Chapter 4 2 (commencing with Section 3300) 3101) of Division 3 in a special general election conducted pursuant to this chapter shall be postmarked not later than the date of the election, shall be received by the county elections official not later than 45 days after the date on which the elections official transmitted the ballot to the voter, and shall comply with all other relevant requirements of this code.

(c) Notwithstanding any other provision of law, any deadlines relating to canvassing, announcement of election results, or certification of election results may be extended for a reasonable period of time to facilitate the tabulating and processing of ballots cast pursuant to Chapter 4 2 (commencing with Section 3300) 3101) of Division 3. An extension of a deadline pursuant to this section must be authorized by the Secretary of State.

SEC. 6. Section 13301 of the Elections Code is repealed.

~~13301. (a) At the time the county elections official prepares sample ballots for the presidential primary, he or she shall also prepare a list with the name of candidates for delegates for each political party. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President. The order of groups on the list shall be alphabetical according to the names of the persons they prefer to appear upon the ballot. Each column shall be headed in boldface 10-point, gothic type as follows: "The following delegates are pledged to ____." (The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference.) The names of the candidates for delegates shall be printed in eight-point, roman capital type.~~

~~(b) Copies of the list of candidates for delegates of each party shall be submitted by the county elections official to the chairperson of the county central committee of that party, and the county elections official shall post a copy of each list in a conspicuous place in his or her office.~~

SEC. 7. Section 13306 of the Elections Code is amended to read:

1 13306. Notwithstanding Sections 13300, ~~13301~~, 13303, and
2 13307, sample ballots and candidates' statements need not be
3 mailed to voters who registered after the 54th day before an
4 election, but all of these voters shall receive polling place notices
5 and state ballot pamphlets. A state ballot pamphlet is not required
6 to be mailed to a voter who registered after the 29th day prior to
7 an election. Each of these voters shall receive a notice in bold print
8 that states: "Because you are a late registrant, you are not receiving
9 a sample ballot or candidates' statements."

10 SEC. 8. Section 13309 of the Elections Code is amended to
11 read:

12 13309. (a) Notwithstanding Section 13307, if a candidate
13 alleges to be indigent and unable to pay in advance the requisite
14 fee for submitting a candidate statement, the candidate shall submit
15 to the local agency a statement of financial worth to be used in
16 determining whether or not he or she is eligible to submit a
17 candidate statement without payment of the fee in advance.

18 (b) The statement of financial worth required by this section
19 shall be submitted by the candidate together with his or her
20 candidate statement in accordance with the deadline specified in
21 Section 13307. The statement of financial worth form shall be
22 furnished by the local agency, and may include questions relating
23 to the candidate's employer, income, real estate holdings, tangible
24 personal property, and financial obligations. The candidate shall
25 certify the content of the statement as to its truth and correctness
26 under penalty of perjury. The candidate shall also sign a release
27 form of the candidate's most recent federal income tax report.

28 (c) Upon receipt of a statement of financial worth, a
29 determination shall be made by the local agency of whether or not
30 the candidate is indigent. The local agency shall notify the
31 candidate of its findings.

32 (d) If it is determined that the candidate is not indigent, the
33 candidate shall, within three days of the notification, excluding
34 Saturdays, Sundays, and state holidays, withdraw the statement or
35 pay the requisite fee. If the candidate fails to respond within the
36 time prescribed, the local agency shall not be obligated to print
37 and mail the statement.

38 (e) If the local agency determines that the candidate is indigent,
39 the local agency shall print and mail the statement.

1 (f) Nothing in this section shall prohibit the ~~elections official~~
2 *local agency* from billing the candidate his or her actual pro rata
3 share of the cost after the election.

4 SEC. 9. Section 19206 of the Elections Code is amended to
5 read:

6 19206. For the purpose of assistance in examining a voting
7 system, the Secretary of State may employ ~~not more than three~~
8 expert electronic technicians *or technician firms* at a cost to be set
9 by the Secretary of State. The compensation of the electronic
10 technicians *or technician firms* shall be paid by the person or
11 corporation submitting the machine or device.

12 The Secretary of State may require the person or corporation
13 submitting the machine or device to deposit sufficient funds to
14 guarantee the payment of the examination charges. The Secretary
15 of State may deposit the funds in an appropriate treasury trust
16 account and, within 30 days after his or her report of examination,
17 draw a refund check to the credit of the person or corporation for
18 any amount in excess of costs.